

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

JULIO COLEGIO, et al  
Plaintiffs


v.

EQUITABLE ACCEPTANCE CORP., et al.  
Defendants

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§

Civil Action No. 9:01 CV 161

Judge: Hannah

FILED - CLERK  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION  
APR 25 2002  
BY 

**JOINT MOTION FOR ENTRY OF  
AMENDED JOINT DISCOVERY PLAN AND SCHEDULING ORDER**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Defendant Equitable Acceptance Corporation ("EAC") and Plaintiffs, Julio Colegio, Eduardo Hernandez and Manuel Padilla ("Plaintiffs"), and file this Joint Motion for Entry of Amended Joint Discovery Plan and Scheduling Order pursuant to Rule 15 and 16(b) and (e) in the above stated cause. Defendant Jack Cali, III dba Cali Enterprises and Royalware Industries was served with a summons on February 23, 2002 and has failed to timely file a response with this Court.

Counsel for EAC and Counsel for the Plaintiffs conferred regarding the following matters and propose that the deadlines in the Scheduling Order entered on December 17, 2001 be amended. The Defendants and Plaintiffs represent to the court that it is in the best interest of all parties and in the best interest of justice to extend the deadlines so that further discovery may be conducted.

The parties agree to extend the following deadlines previously ordered by this Court:

Bench Trial:

Will be set at a later date

Submission of Final Pretrial order following the format in Appendix D of the local Court rules which shall include and be in lieu of the disclosures required by Rule 26(a)(3) and submission of Proposed Findings of Fact & Conclusion of Law:

August 27, 2002

Responses to dispositive motions:

September 3, 2002

Last date to file dispositive motions or motions challenging expert witnesses:

August 12, 2002

Discovery deadline:

July 26, 2002

Defendant to identify trial witnesses:

July 22, 2002

Plaintiff to identify trial witnesses:

July 15, 2002

Defendant to answer amended pleadings:

July 26, 2002

Amend Pleadings:

(It is not necessary to file a motion for leave to amend before the deadline to amend pleadings. It is necessary to file a motion for leave to amend after the deadline to amend pleadings.)

July 12, 2002

Disclosure of Expert Testimony by Defendant (See Fed.R.Civ.P. 26(a)(2) and Local Rule CA-26(b) for information required to be disclosed):

July 12, 2002

Disclosure of Expert Testimony by Plaintiff (See Fed.R.Civ.P. 26(a)(2) and Local Rule CA-26(b) for information required to be disclosed):

June 28, 2002

Mediation to be completed:

August 20, 2002

Privilege logs to be exchanged by parties (or a letter to the court stating that there are no disputes as to claims of privileged documents):

July 19, 2002

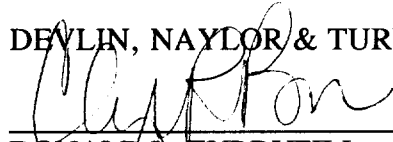
Join additional parties:

May 31, 2002

Dated: April 24, 2002.

Respectfully submitted,

DEVLIN, NAYLOR & TURBYFILL, P.L.L.C.



DONALD L. TURBYFILL

Texas Bar Number 2029638

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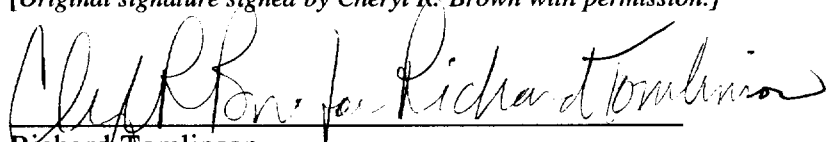
713/586-7053 (Facsimile)

ATTORNEYS FOR DEFENDANT

EQUITABLE ACCEPTANCE CORPORATION

RICHARD TOMLINSON

*[Original signature signed by Cheryl R. Brown with permission.]*



Richard Tomlinson

Attorney at Law

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ATTORNEY FOR PLAINTIFFS

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**AMENDED JOINT DISCOVERY PLAN AND SCHEDULING ORDER**

In accordance with the proposed Joint Motion to Amend Joint Discovery Plan and Scheduling Order, the court finds that the following amended scheduling order should issue. It is therefore, ORDERED that the following schedule of deadlines replace and supercede the deadlines previously issued by this court on December 17, 2001 until further order of this court:

Bench Trial:

Will be set at a later date

Submission of Final Pretrial order following the format in Appendix D of the local Court rules which shall include and be in lieu of the disclosures required by Rule 26(a)(3) and submission of Proposed Findings of Fact & Conclusion of Law:

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**CLIENT'S COPY**

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(See Fed.R.Civ.P. 26(a)(2) and Local Rule CA-26(b) for information required to be disclosed):

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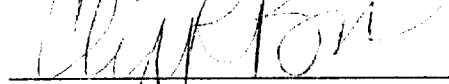
Signed this the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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UNITED STATES DISTRICT JUDGE

Approved as to form and content:

DEVLIN, NAYLOR & TURBYFILL, P.L.L.C.



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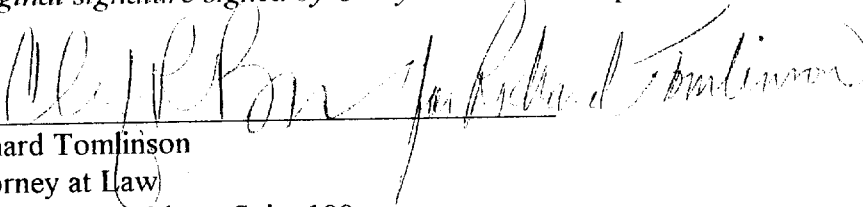
713/586-7053 (Facsimile)

ATTORNEYS FOR DEFENDANT

EQUITABLE ACCEPTANCE CORPORATION

RICHARD TOMLINSON

*[Original signature signed by Cheryl R. Brown with permission.]*

A handwritten signature in cursive script, appearing to read "Richard Tomlinson", is written over a horizontal line.

Richard Tomlinson

Attorney at Law

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